

## Cases featuring trafficking as a 'child need'

*This version of the study has been created for the purpose of sharing with external agencies and partners, and case examples have been anonymised to protect identities.*

### Background and aim

The Cafcass policy team was commissioned by the Operational Management Team (OMT) to look at cases where the Cafcass Family Court Adviser (FCA) identified concerns about trafficking. The principal purpose of OMT's request was to share information with FCAs in the form of a report outlining the features of the identified cases.

Trafficking is defined in Cafcass' Child Protection Policy as being 'moved from one place to another into conditions of exploitation (sexual, forced labour etc.) by deception, coercion or the abuse of power'. As of 28 November 2016, Cafcass FCAs had flagged trafficking as an issue in 82 cases, concerning 97 children. The earliest court application date in the sample was February 2015.

### Methodology

The methodology broadly mirrors the approach taken in previous work to look at Cafcass cases featuring concerns about child sexual exploitation and radicalisation. As in these studies, the identification of cases is dependent on FCAs flagging the issue as a trafficking 'child need' on the electronic case management system and, as such, this sample should not be taken as representative of all cases of trafficking that come to Cafcass' attention. Nor is it evidence of the number of such cases within the family court system; cases are flagged with a 'child need' where an allegation or concern is raised by a party or professional within the case.

### Findings

*Number of cases by Cafcass service area*

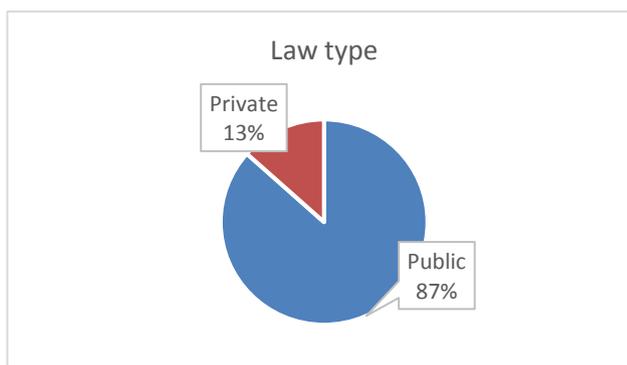
<b>Cafcass service area</b>	<b>No.</b>
A1 – Tyneside and Northumbria	0
A2 – Durham, Teesside, North Yorkshire, York, Cumbria and Lancashire	7
A3 – Greater Manchester	6
A4 – South Yorkshire and Humberside	9
A5 – West Yorkshire	3
A6 – Hampshire, Isle of Wight and Dorset	5
A7 – Avon, Gloucestershire and Wiltshire	1
A8 – Cornwall, Devon and Somerset	8
A9 – Cheshire, Merseyside and Staffordshire	3
A10 – Leicestershire, Lincolnshire and Cambridgeshire	5
A11 – Nottinghamshire and Derbyshire	1
A12 – Birmingham, the Black Country, Shropshire and Worcestershire	6
A13 – National Business Centre, Coventry, Northampton and Buckinghamshire	3
A14 – Essex, Suffolk, Norfolk, Hertfordshire and Bedfordshire	6
A15A – Greater London public law	12
A15B – Greater London private law	3
A16 – Surrey and Sussex	1
A17 – Kent	3

### Court application type

Cases featuring child trafficking were most likely to be public law, with the most common application type being care proceedings (57/82). The table below shows the number of cases for each court application type, with private law cases shaded in red, and public law shaded in blue.

The graph below shows 'law type' with inherent jurisdiction/wardship recorded as public law (on the premise that the local authority is bringing the application); in this graph, public law accounts for 71/82 cases.

Court application	No.
Care	57
Child arrangements order – spend time with	7
Secure accommodation	6
Inherent jurisdiction/wardship	4
Discharge of care order	2
Emergency protection order	2
Prohibited steps	2
Child arrangements order – live with	1
Parental responsibility	1



### Characteristics of subject children

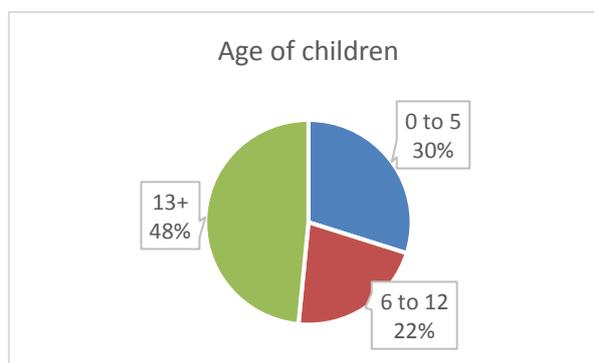
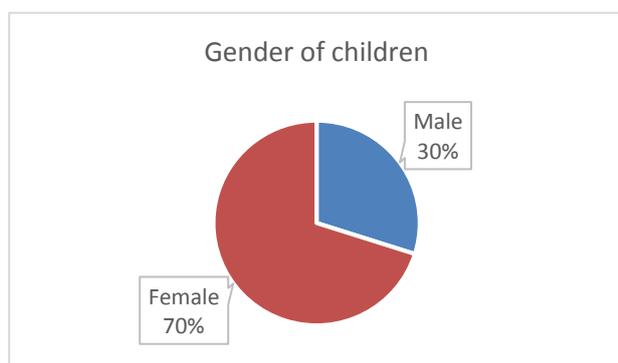
Of the 97 children, 68 are female and 29 male. Where the ethnicity of the child was recorded by the FCA, the most common ethnicity was 'White British' (27 children), followed by African (16), 'White traveller' (9) and 'Eastern European' (9).

It was most common for subject children to be teenagers, unlike the majority of Cafcass' caseload, where children are most likely to be aged 10 years and under. Of the 97 children, 29 were aged five and under; 21 were aged 6-12; and 47 were aged 13 and above.

The table below shows the age of children, displayed by gender.

Age	Male	Female	Total
0-5	15	14	29
6-12	6	15	21
13+	8	39	47
<b>Total</b>	<b>29</b>	<b>68</b>	<b>97</b>

Subject children were most likely to be female (70%), contrary to Cafcass' overall caseload which is almost an even split between genders. By gender, girls were most commonly teenagers (39/68) and boys were most commonly aged five and under (14/29).



*Additional child needs*

In cases where trafficking is an issue, FCAs are more likely to flag additional needs for females, than for males. Child trafficking was the only child need flagged for 11 of the 68 females (16%), and for seven of the 29 males (24%).

Child sexual exploitation (CSE) was flagged by the FCA as a child need for 43 children. In 30 of these instances, the subject child was a teenager (30/47 teenagers in the sample). Of the 30 teenagers with the CSE need flagged, 26 were female (26/39 female teenagers in the sample).

The table below shows the frequency with which additional child needs were flagged alongside child trafficking, displayed by gender.

<b>Additional child needs</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>	<b>% of children</b>
CSE	8	35	43	44%
Emotional abuse	14	20	34	35%
Neglect	8	14	22	23%
No other need flagged	7	11	18	19%
Domestic abuse	4	11	15	15%
Educational needs	3	12	15	15%
Sexual abuse	4	10	14	14%
Physical abuse	6	7	13	13%
Unaccompanied child	5	8	13	13%
Health needs	2	11	13	13%
Drug abuse	4	5	9	<10%
DNA test	5	4	9	<10%
'Honour' based violence	1	6	7	<10%
Self-harm	0	7	7	<10%
Mental health	1	5	6	<10%
Forced marriage	1	3	4	<10%
Alcohol abuse	0	3	3	<10%
Radicalisation	2	0	2	<10%
FGM	0	2	2	<10%
Young carer	0	1	1	<10%
Highly conflicted parents	1	0	1	<10%

*Analysis of cases*

Cases were reviewed and data collected on whether the risk was of a child or adult party being or having been a victim of trafficking, or whether the risk was of an adult party being a perpetrator of child trafficking. There was one case where the adult parties were a victim and perpetrator of child trafficking, with the child's putative father the alleged trafficker of the mother. There were six cases where an adult was a suspected perpetrator of child trafficking, and six cases where the adult was the victim. In the majority of cases (69/82), the child was the victim.

Concern about child trafficking was the principal reason for the court proceedings – as identified within data collection – in 52 of the 82 cases. The remaining 30 cases featured principal concerns of sexual exploitation or abuse; drug use; 'honour' based violence; domestic abuse; and adults seeking parental responsibility for a subject child.

### Case types

Where trafficking was identified as the principal reason for bringing the application to court (52 cases), the cases were coded using case types. These case types are not mutually exclusive. For example, a child may be trafficked into the UK, then go missing from their care placement and be trafficked within the UK as part of CSE or the movement of drugs. This means a case may be 'counted' more than once.

The following case types were identified within the study:

- Children trafficked into UK from abroad (21 instances)
- Adult parties trafficked into UK from abroad (5 instances)
- Adults parties are suspected traffickers (11 instances)
- Children trafficked within UK as part of sexual exploitation (23 instances)
- Children trafficked within UK for other reason (10 instances)

### Children trafficked into the UK from abroad

Where the child had been trafficked into the UK from abroad (21), there was some cross-over with other categories: adults had been trafficked in three cases; there were three suspected adult perpetrators of trafficking; and the child had been trafficked within the UK for other purposes in five instances.

Children in the sample who were trafficked into the UK seem generally to have been trafficked alone, without other family members. It was not common for these children to have been trafficked within the UK for sexual exploitation, but they may have been moved around for other reasons such as 'work', or to transport drugs. This sample included young children found with adult 'carers' or parents, and unaccompanied older children found alone. Children generally had no paperwork regarding their identity or entry into the UK.

Included in this sample are some children where there is no clear reason for their arrival into the UK and, for this reason, some agencies did not record these as cases of trafficking. We have included them in this sample as the trafficking need was flagged by the FCA, and to enable identification of a complete picture of all cases.

The sample featured children living with adult carers who falsely presented as family members such as aunts, mothers, cousins and uncles. These children were in proceedings following police protection measures – if the adult posed a risk – or through private law court applications for the child to live with a parent or parental responsibility.

Some children had no record of entry into the UK, and could not fully explain their journey. One child said they had travelled on multiple planes. Some began their journey with family members, who became ill or missing before reaching the UK. These children were in public law proceedings and had been 'found' by police or members of the public, either 'working' at an address of known traffickers, or wandering. One child attended a police station as an unaccompanied minor.

*Case example: an application to discharge an order saying where the child would live, with allegations that the children were trafficked to the UK and the adult carer is no relation. Previous proceedings found the parents were deceased but this is now denied by the adult*

*and child. The local authority did not pursue findings in relation to trafficking, which the FCA did not agree with. The child did not perceive themselves to be trafficked and had an attachment to the adult carer.*

*Case example: the child was trafficked into the UK after losing both parents. They had been moved around the UK for different forms of slavery, and were found in a nail bar. The child went missing from foster care but later made themselves known to the police. The FCA recorded that the child is vulnerable to recapture or absconding.*

#### Adults trafficked into the UK from abroad

Adults who said they had been trafficked into the UK generally seemed to raise this once concerns had been raised about the child. In one case the adults attended a police station stating they had been victims of trafficking on the promise of work, money and accommodation. Other adults had been trafficked to work as domestic slaves, or for prostitution.

*Case example: the mother in a care proceedings case disclosed to hospital staff that she was brought to the UK by her family for prostitution. There were concerns about drug use, trafficking, sexual exploitation and domestic abuse within the family home.*

#### Adults are suspected traffickers

Where adults were suspected traffickers, the nature and extent of the allegation was not always clear from the case file. Most of these cases were care proceedings, and concerns related to parents or extended family members, and the types of trafficking included domestic slavery, to claim benefits, and sexual exploitation. In a number of cases the relationship between these adults and the subject child was unclear.

*Case example: the relationship between the child and the adults was recorded as 'confusing'. There was information that the adults – who were under investigation for claiming benefits for children not in their care – were involved in child trafficking.*

#### Children trafficked within the UK as part of sexual exploitation

Children trafficked within the UK for sexual exploitation were most likely to be from the UK; of the 23 instances where the child was trafficked within the UK for sexual exploitation, only one featured a child who had been trafficked into the UK from abroad.

In all of these cases, the child was already known to the local authority when Cafcass became involved. There had been previous public law proceedings for some of the children, who had subsequently gone missing. Other children were in proceedings because nobody had parental responsibility for them. Some children had experienced sexual exploitation online and one had been blackmailed as a result. Children who went missing from care were using drugs, and some were being used to move drugs.

*Case example: a child was found in a city, drunk, with two adults. There were longstanding concerns regarding sexual exploitation, particularly the child being taken to other cities overnight. The child disclosed they still associate with some adults who had previously been arrested on suspicion of exploitation and has indicated there are family links with some of the perpetrators.*

### Children trafficked within the UK for another reason

Some children were trafficked within the UK for a reason other than CSE. Where a reason or allegation was recorded, this included: being trafficked to enable the adult carer to obtain benefits; as a victim of domestic slavery; working in a cannabis factory; transporting drugs; and working in a nail bar. Where children had been victims of slavery, some were reported to be vulnerable to recapture or absconding.

*Case example: police were called by a member of the public as the child was 'wandering in the street'. The child reported to have been trafficked by men and placed in a cannabis factory from which she fled. She was forced to work in a factory in another country prior to coming to the UK, and had been raped.*

### **Summary**

This report is based on a small proportion of cases, identified by Cafcass FCAs, and is not representative of all trafficking cases that come to Cafcass' attention. It does, however, provide some insight into the types of concerns that are raised within Cafcass' private and public law work, and confirms that FCAs are identifying cases of both international trafficking and trafficking within the UK.

Children in cases where trafficking was flagged as an issue by an FCA were mostly female (70%) and there were additional concerns about child sexual exploitation for 44% of children in the sample. Twenty six children in the sample were female teenagers with both child sexual exploitation and trafficking flagged as a 'child need'.

Cafcass' Child Exploitation working group has pulled together practice advice to help identify factors that may suggest that a child has been trafficked. Aspects to consider include:

- Do not accept what you are told at face value – seek evidence of the claimed relationship and circumstances
- Ask "why now?" if a child has lived with the applicants for years, what has changed?
- Ask about the circumstances that led to the child living with the applicant and advise the court to obtain proof
- Respectfully ask about missing or deceased parents
- Clarify immigration issues and consider whether these could be a motivating factor for the applicant
- Refer any cases where a private fostering arrangement is not registered with the local authority as set out in s66 Children Act 1989